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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/782,145

02/19/2004

Eldean KJose

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40158

7590

07/29/2008

WOODS FULLER SHULTZ & SMITH P.C.

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EXAMINER

KATCHEVES, BASIL S

ART UNIT

PAPER NUMBER

3635

MAIL DATE

DELIVERY MODE

07/29/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/782,145	<b>Applicant(s)</b> KJOSE, ELDEAN	
	<b>Examiner</b> BASIL KATCHEVES	<b>Art Unit</b> 3635	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 28 April 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-5, 7-9, 11, 13, 15-18, 20 and 21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 13, 15-18 and 20 is/are allowed.
- 6) ☒ Claim(s) 1-5, 7-9, 11, 21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

Claims 6, 10, 12, 14, 19 are cancelled. Pending claims 1-5, 7-9, 11, 13, 15-18, 20, 21 are examined below.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1-5, 7-9, 11, 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 4,759,162 to Wyse in view of U.S. Patent No. 5,761,854 to Johnson et al.**

Regarding claims 1, 3, Wyse discloses a portable deck system, inherently capable of use with a camper, the deck comprised of a platform assembly (fig. 1:10), with a support frame comprised of lateral extents (fig. 3: 24) and longitudinal extents (fig. 3: 28), a plurality of legs (fig. 2: 46), a plurality of decking members (fig. 3: 14A-D) removably mounted, the frame comprised of several sections (fig. 2), the extents of each portion removably coupled to the extents of another portion (figs. 2 & 3), And the legs have enlarged base portions (fig. 5: 64). Wyse does not disclose the legs as folding parallel to an extent. Johnson discloses a portable structure having folding legs

(fig. 3: 46) which fold parallel to an underlying extent (fig. 3: 12). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Wyse by using the folding legs of Johnson, in order to speed assembly and removal of the platform. The direction in which they would fold, parallel to a particular extent, would have been an obvious design choice.

Regarding claim 2, 7, 9, Wyse discloses a stair access (fig. 1: 102) coupled to the platform.

Regarding claim 4, Wyse discloses the legs as telescoping (fig. 4).

Regarding claim 5, Wyse discloses the platform portions as separable (fig. 2).

Regarding claim 8, Wyse discloses the stairs as having a plurality of vertical supports (fig. 1: legs adjacent to 62 and support 102), a frame and treads.

Regarding claim 11, Wyse discloses a handrail assembly (fig. 1: 20) having a top hand rail coupled between two vertical stanchions.

Regarding claim 21, Wyse discloses a portable deck system, inherently capable of use with a camper, the deck comprised of a platform assembly (fig. 1:10), with a support frame comprised of lateral extents (fig. 3: 24) and longitudinal extents (fig. 3: 28), at least three legs (fig. 2: 46), a plurality of decking members (fig. 3: 14A-D) removably mounted, the frame comprised of several sections (fig. 2), the extents of each portion removably coupled to the extents of another portion (figs. 2 & 3), And the legs have enlarged base portions (fig. 5: 64), a stair access (fig. 1: 102) coupled to the platform, the legs as telescoping (fig. 4), the platform portions as separable (fig. 2), the stairs as having a plurality of vertical supports (fig. 1: legs adjacent to 62 and support

102), a frame and treads, a handrail assembly (fig. 1: 20) having a top hand rail coupled between two vertical stanchions. However, Wyse does not disclose the legs as hinged parallel to an extent. Johnson discloses a portable structure having folding legs (fig. 3: 46) which fold parallel to an underlying extent (fig. 3: 12). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Wyse by using the folding legs of Johnson, in order to speed assembly and removal of the platform. The direction in which they would fold, parallel to a particular extent, would have been an obvious design choice

Regarding claim 17, Wyse discloses a coupling means (fig. 3: 54 & 56) which is on the perimeter of each platform module. The applicant should note that an RV is not claimed.

### ***Allowable Subject Matter***

Claims 13, 15-18 and 20 are allowed.

### **Response to Arguments**

Applicant's arguments filed 4/28/08 have been fully considered but they are not persuasive. The applicant argues that the combination of Wyse with Johnson and that Johnson does not teach abutting legs. The applicant should note that Johnson teaches folding legs that have a portion abutting against the surface which they support. Wyse discloses a need for legs and the combination would have been obvious.

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Basil Katcheves whose telephone number is (571) 272-6846. The examiner can normally be reached on Monday-Friday from 7:30 am to 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot, can be reached at (571) 272-6777.

/Basil Katcheves/

Primary Examiner, Art Unit 3635